United Nations S/AC.49/2009/4

Security Council

Distr.: General
17 July 2009
English
Original: French

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 14 July 2009 from the Permanent Representative of Switzerland to the United Nations addressed to the Acting Chairman of the Committee

Further to your correspondence of 29 June 2009, I have the honour to transmit herewith the report of my Government concerning the concrete measures taken in order to implement effectively the relevant provisions of Security Council resolutions 1718 (2006) and 1874 (2009) (see annex).

(*Signed*) Peter **Maurer**
Ambassador
Permanent Representative

09-40950 (E) 240709 240709

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Annex to the letter dated 14 July 2009 from the Permanent Representative of Switzerland to the United Nations addressed to the Acting Chairman of the Committee

Report submitted by Switzerland pursuant to Security Council resolution 1874 (2009)

In paragraph 22 of its resolution 1874 (2009), the Security Council calls upon all Member States to report to the Security Council on concrete measures they have taken to implement the provisions of paragraph 8 of Security Council resolution 1718 (2006) and paragraphs 9, 10, 18, 19 and 20 of Security Council resolution 1874 (2009).

Switzerland has the honour to transmit to the Security Council and to the Committee established pursuant to resolution 1718 (2006) the following information regarding the enforcement of United Nations sanctions against the Democratic People's Republic of Korea:

Paragraph 8 of resolution 1718 (2006)

Switzerland is enforcing the sanctions provided for in paragraph 8 of resolution 1718 (2006) by means of the Ordinance of 25 October 2006 (see appendix), which establishes measures against the Democratic People's Republic of Korea (hereinafter referred to as "the Ordinance"). Information regarding Switzerland's implementation of paragraph 8 is contained in its report of 30 November 2006 (S/AC.49/2006/34) submitted in accordance with paragraph 11 of resolution 1718 (2006).

On 24 April 2009, the Committee applied the measures provided for in paragraph 8 (a) to (c) of resolution 1718 (2006) to the items listed in document S/2009/205. The same day, the Committee applied the financial sanctions provided for in paragraph 8 (d) of the same resolution to three North Korean entities.

Document S/2009/205 contains the updated list of equipment, technology and software established by the Missile Technology Control Regime. As a partner in the Regime, Switzerland regularly updates its national list of articles covered by the Regime. The Ordinance prohibits the supply, sale and transfer to the Democratic People's Republic of Korea of the goods, technology and software listed in document S/2009/205.

The Ordinance provides for the freezing of assets and economic resources belonging to or under the control of the persons, enterprises and entities listed in its annex 3. Moreover, it is prohibited to supply or make available assets or economic resources to the persons, enterprises and entities subject to the freeze, whether directly or indirectly. On 12 May 2009, Switzerland applied these restrictions to the three North Korean entities designated by the Committee on 24 April 2009, by adding their names to annex 3 to the Ordinance.

Paragraphs 9 and 10 of resolution 1874 (2009)

Pursuant to paragraphs 8 (a) (i) and 8 (b) of resolution 1718 (2006), article 1, paragraphs 1 and 3 of the Ordinance prohibits the supply, sale and transfer to the Democratic People's Republic of Korea of heavy weapons (battle tanks, armoured

combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile systems) and of related materiel, as well as the acquisition, purchase or transfer from the Democratic People's Republic of Korea of heavy weapons and related materiel.

Pursuant to paragraphs 9 and 10 of resolution 1874 (2009), on 1 July 2009, the Swiss Federal Council (the Government) amended article 1 of the Ordinance to expand the scope of application of the embargo on heavy weapons to include military equipment goods of all kinds. The provision and procurement of services of any kind and the provision and receipt of financial resources linked to military equipment goods is also prohibited. The competent authorities may, after having notified the Committee, authorize exceptions for the supply, sale and transfer to the Democratic People's Republic of Korea of small arms and light weapons and related services.

Paragraph 18 of resolution 1874 (2009)

The Ordinance prohibits the provision and procurement of financial services and the provision and receipt of financial resources linked to the delivery, sale, transfer, acquisition, manufacture, maintenance and use of the goods, technology and software specified by the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group. In addition, the Federal Act on War Materiel of 13 December 1996 prohibits the provision of any kind of support to activities linked to weapons of mass destruction programmes.

Paragraph 19 of resolution 1874 (2009)

With the exception of humanitarian aid and development cooperation, Switzerland does not provide public financial support to the Democratic People's Republic of Korea.

Paragraph 20 of resolution 1874 (2009)

Switzerland does not provide public financial support for trade with the Democratic People's Republic of Korea. Swiss Export Risk Insurance (RISK) is not currently available for trade with the Democratic People's Republic of Korea.

The Ordinance, updated as at 1 July 2009, is attached hereto.

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 14 July 2009 from the Permanent Representative of Switzerland to the United Nations addressed to the Acting Chairman of the Committee

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(*Signed*) Peter **Maurer**
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex to the letter dated 14 July 2009 from the Permanent Representative of Switzerland to the United Nations addressed to the Acting Chairman of the Committee

Report submitted by Switzerland pursuant to Security Council resolution 1874 (2009)

In paragraph 22 of its resolution 1874 (2009), the Security Council calls upon all Member States to report to the Security Council on concrete measures they have taken to implement the provisions of paragraph 8 of Security Council resolution 1718 (2006) and paragraphs 9, 10, 18, 19 and 20 of Security Council resolution 1874 (2009).

Switzerland has the honour to transmit to the Security Council and to the Committee established pursuant to resolution 1718 (2006) the following information regarding the enforcement of United Nations sanctions against the Democratic People's Republic of Korea:

Paragraph 8 of resolution 1718 (2006)

Switzerland is enforcing the sanctions provided for in paragraph 8 of resolution 1718 (2006) by means of the Ordinance of 25 October 2006,* which establishes measures against the Democratic People's Republic of Korea (hereinafter referred to as "the Ordinance"). Information regarding Switzerland's implementation of paragraph 8 is contained in its report of 30 November 2006 (S/AC.49/2006/34) submitted in accordance with paragraph 11 of resolution 1718 (2006).

On 24 April 2009, the Committee applied the measures provided for in paragraph 8 (a) to (c) of resolution 1718 (2006) to the items listed in document S/2009/205. The same day, the Committee applied the financial sanctions provided for in paragraph 8 (d) of the same resolution to three North Korean entities.

Document S/2009/205 contains the updated list of equipment, technology and software established by the Missile Technology Control Regime. As a partner in the Regime, Switzerland regularly updates its national list of articles covered by the Regime. The Ordinance prohibits the supply, sale and transfer to the Democratic People's Republic of Korea of the goods, technology and software listed in document S/2009/205.

The Ordinance provides for the freezing of assets and economic resources belonging to or under the control of the persons, enterprises and entities listed in its annex 3. Moreover, it is prohibited to supply or make available assets or economic resources to the persons, enterprises and entities subject to the freeze, whether directly or indirectly. On 12 May 2009, Switzerland applied these restrictions to the three North Korean entities designated by the Committee on 24 April 2009, by adding their names to annex 3 to the Ordinance.

* The legal text referred to is on file with the Secretariat and is available for consultation.

Paragraphs 9 and 10 of resolution 1874 (2009)

Pursuant to paragraphs 8 (a) (i) and 8 (b) of resolution 1718 (2006), article 1, paragraphs 1 and 3 of the Ordinance prohibits the supply, sale and transfer to the Democratic People's Republic of Korea of heavy weapons (battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile systems) and of related materiel, as well as the acquisition, purchase or transfer from the Democratic People's Republic of Korea of heavy weapons and related materiel.

Pursuant to paragraphs 9 and 10 of resolution 1874 (2009), on 1 July 2009, the Swiss Federal Council (the Government) amended article 1 of the Ordinance to expand the scope of application of the embargo on heavy weapons to include military equipment goods of all kinds. The provision and procurement of services of any kind and the provision and receipt of financial resources linked to military equipment goods is also prohibited. The competent authorities may, after having notified the Committee, authorize exceptions for the supply, sale and transfer to the Democratic People's Republic of Korea of small arms and light weapons and related services.

Paragraph 18 of resolution 1874 (2009)

The Ordinance prohibits the provision and procurement of financial services and the provision and receipt of financial resources linked to the delivery, sale, transfer, acquisition, manufacture, maintenance and use of the goods, technology and software specified by the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group. In addition, the Federal Act on War Materiel of 13 December 1996 prohibits the provision of any kind of support to activities linked to weapons of mass destruction programmes.

Paragraph 19 of resolution 1874 (2009)

With the exception of humanitarian aid and development cooperation, Switzerland does not provide public financial support to the Democratic People's Republic of Korea.

Paragraph 20 of resolution 1874 (2009)

Switzerland does not provide public financial support for trade with the Democratic People's Republic of Korea. Swiss Export Risk Insurance (RISK) is not currently available for trade with the Democratic People's Republic of Korea.

United Nations S/AC.49/2009/5

Security Council

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28 July 2009

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 24 July 2009 from the Permanent Representative of the Principality of Liechtenstein to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of the Principality of Liechtenstein to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and has the honour to refer to Security Council resolution 1874 (2009), adopted by the Council on 12 June 2009, and wishes to communicate the following:

Liechtenstein has fully implemented the provisions of paragraph 8 of resolution 1718 (2006), as reflected in the previous report submitted by Liechtenstein (S/AC.49/2006/5). The extended scope of application of these measures, as provided for by paragraphs 9 and 10 of resolution 1874 (2009), has been incorporated into national law through a revision to the Government Ordinance on Measures concerning the Democratic People's Republic of Korea (Liechtenstein Legal Gazette 2009, No. 195). The above-mentioned Ordinance is regularly updated following relevant decisions by the sanctions Committee, for example, with respect to designated individuals and entities.

As of 1 March 2009, Government Ordinances on international sanctions regimes are based on the Sanctions Act (LLG 2009, No. 41). This new law improves the legal basis for international cooperation in the implementation of sanctions and for data protection, sets clear responsibilities for enforcement and increases the penalties for sanctions violations.

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Security Council

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28 July 2009
English
Original: English/Russian

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 24 July 2009 from the Permanent Mission of the Russian Federation to the United Nations addressed to the Acting Chairman of the Committee

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the Acting Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the interim report on the steps taken by the Russian Federation to implement resolution 1874 (2009) (see annex).

09-43083 (E) 300709 310709

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Annex to the note verbale dated 24 July 2009 from the Permanent Mission of the Russian Federation to the United Nations addressed to the Acting Chairman of the Committee

Interim report of the Russian Federation on the steps taken to implement United Nations Security Council resolution 1874 (2009)

The Russian Federation intends scrupulously to implement Security Council resolution 1874 of 12 June 2009. As a permanent member of the Security Council and a member of the Security Council Committee established pursuant to resolution 1718 (2006), Russia has been actively involved in working out measures aimed at further restricting cooperation with the Democratic People's Republic of Korea (DPRK). In accordance with paragraph 24 of resolution 1874 (2009), Russia has also participated in work to revise and expand the list of entities, individuals and goods to which the measures envisaged in paragraph 8 of resolution 1718 (2006) are to be applied.

The decisions taken by the Security Council Committee established pursuant to resolution 1718 (2006) on 24 April 2006 and 16 July 2009 concerning the lists of entities, individuals and goods to which the measures set out in paragraphs 8 (a) (ii), 8 (d) and 8 (e) of resolution 1718 (2006) are to be applied were promptly drawn to the attention of the relevant federal organs of the executive branch of government in the Russian Federation.

Work is currently under way on a draft presidential decree on the implementation of Security Council resolution 1874 (2009).

It is our view that resolution 1874 (2009) is aimed at bringing about a peaceful, diplomatic settlement of the question of the nuclear programme of the DPRK. Its main objective is for that country to return to the régime of the Treaty on the Non-Proliferation of Nuclear Weapons and to the negotiating table of the six-party talks. We believe that the measures contained in the resolution should not have any adverse humanitarian consequences for the civilian population of the DPRK.

United Nations S/AC.49/2009/7

Security Council

Distr.: General
28 July 2009

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 July 2009 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report pursuant to operative paragraph 22 of resolution 1874 (2009), adopted on 12 June 2009 (see annex).

09-43075 (E) 310709

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Annex to the note verbale dated 27 July 2009 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Committee

Report to the Security Council pursuant to paragraph 22 of United Nations Security Council resolution 1874 (2009)

1. Japan's basic position

The position of the Government of Japan on the nuclear test conducted by the Democratic People's Republic of Korea (DPRK) on 25 May is clearly expressed in the statement by Mr. Taro Aso, the Prime Minister of Japan, issued on the same day. In his statement, the Prime Minister stressed that a nuclear test by the DPRK was totally unacceptable, as it constituted a grave threat to Japan's security and seriously undermined the peace and security of North-East Asia as well as the international community when taken together with the DPRK's development of its ballistic missile capability.

The Government of Japan has been vigorously undertaking necessary measures to implement United Nations Security Council resolutions 1718 (2006) and 1874 (2009).

Resolution 1874 is of great significance as it embodies the international community's strong condemnation of, and profound concerns over, the nuclear test. Japan reiterates the extreme importance of its early and full implementation and the need for Member States to coordinate their measures to the greatest extent possible, so that the resolution is implemented effectively. Japan will also cooperate closely with the Security Council Committee established pursuant to paragraph 12 of resolution 1718 (1718 Committee).

2. Measures with regard to paragraph 8 of resolution 1718 as well as paragraphs 9, 10, 18, 19 and 20 of resolution 1874

The measures below have been taken by the Government of Japan with regard to paragraph 8 of resolution 1718 as well as paragraphs 9, 10, 18, 19 and 20 of the resolution 1874. These measures are additional to the measures included in the previous report to the Security Council (S/AC.49/2006/10) as well as the measures included in paragraph 4 of the present report.

(1) Measures based on the designation of entities, individuals and items by the 1718 Committee:

- The Government of Japan has introduced measures to prevent the transfer of any financial resources to and by the eight entities and the five individuals who were designated by the Committee for their relations with the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes, based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1948) (effective on 22 May 2009 for the three entities designated by the 1718 Committee on 24 April 2009, and on 24 July 2009 for the additional five entities and the five individuals designated by the 1718 Committee on 16 July 2009).

- The Government of Japan has introduced measures to prevent the entry into or transit through Japan of the five individuals who were designated by the Committee for their relations with the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes based on the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951). (Note: entry of all DPRK nationals into Japan has already been banned, in principle, since 11 October 2006.)
- Measures to prevent the import and export of the two items designated by the 1718 Committee have also been taken by the Government of Japan, based on the Foreign Exchange and Foreign Trade Act. (Note: import from and export to the DPRK has already been banned since 14 October 2006, and 18 June 2009, respectively.)

(2) Measures concerning paragraphs 9 and 10 of resolution 1874:

- The Government of Japan has long been maintaining measures to prevent import from and export to the DPRK of all arms and related materiel as well as financial transactions and technical training, etc., as stipulated in paragraphs 9 and 10 of resolution 1874, based on Japan's general policy of not allowing any arms exports and through the ban on all imports and exports vis-à-vis the DPRK under the Foreign Exchange and Foreign Trade Act (introduced on 14 October 2006, and 18 June 2009, respectively).

(3) Measures concerning paragraph 18 of resolution 1874:

- The Government of Japan has introduced measures, based on the Foreign Exchange and Foreign Trade Act, to prevent the provision of financial services or the transfer of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities through restrictions on payments, import and export of means of payments, capital transaction and provision of relevant services (effective as of 7 July 2009). In addition, the Government of Japan has issued a request to financial institutions in Japan to ensure that they confirm the transfer of any financial or other assets or resources through them and fulfil the requirements based on the Foreign Exchange and Foreign Trade Act (request issued on 7 July 2009).
- The Government of Japan has issued a request to financial institutions in Japan to exercise special vigilance regarding the transfer of assets related to the DPRK and to ensure that they thoroughly conduct the obligations of identification clearances and reporting of suspicious transactions based on the Act on Prevention of Transfer of Criminal Proceeds and the Obligation of Notification (request issued on 7 July 2009).

(4) Measures concerning paragraphs 19 and 20 of resolution 1874:

- The Government of Japan is not providing any financial assistance or support to the DPRK, including as referred to in paragraphs 19 and 20 of resolution 1874.

3. Measures with regard to other provisions of resolution 1874

(1) Measures concerning paragraphs 11 to 16 of resolution 1874:

- The Government of Japan carries out inspection of cargo to the fullest possible extent under the existing legal framework. In addition to these measures, the Government of Japan is now undertaking necessary work for legislation to provide the Japan Coast Guard and the Japan Customs additional authorities to inspect, seize and dispose of cargo that is subject to resolutions 1718 and 1874.

(2) Measures concerning paragraph 17 of resolution 1874:

- The Government of Japan has implemented a total ban on the entry of DPRK vessels to Japanese ports based on the Act on Special Measures concerning Prohibition of Entry of Specified Ships into Ports. In addition, the Act on Navigation of Foreign Ships through the Territorial Sea and Internal Waters does not allow foreign vessels to anchor or roam in the Japanese territorial waters unless it is for humanitarian purposes, etc. For these and other reasons, there are no circumstances envisaged in which bunkering services would be provided to DPRK vessels by Japanese nationals and from Japanese territory.

(3) Measures concerning paragraph 28 of resolution 1874:

- The Government of Japan continues the strict implementation of its ban, in principle, on the entry by all DPRK nationals into Japan based on the Act on Immigration Control and Refugee Recognition (effective as of 10 July 2009).

- The Government of Japan has issued a warning to universities and other research institutions against providing specialized teaching or training as referred to in paragraph 28 (issued on 10 July 2009).

4. Recent measures taken by the Government of Japan with regard to the DPRK

The Government of Japan has taken measures as outlined below, in light of the current circumstances surrounding the DPRK, including its recent missile launches and nuclear test as well as its inaction regarding cases of abduction of Japanese nationals. These measures are additional to the measures included in the previous report to the Security Council (S/AC.49/2006/10).

(1) Measures introduced since 22 May 2009:

(a) Concerning the export of means of payments, etc., to the DPRK, the Government of Japan has reduced the lowest amount that requires notification to the relevant authorities from the equivalent of 1 million yen to 300,000 yen;

(b) Concerning money transfer to persons or entities that have their addresses, etc., in the DPRK, the Government of Japan has reduced the lowest amount that requires reporting to the relevant authorities from the equivalent of 30 million yen to 10 million yen.

(2) Measures introduced since 16 June 2009:

- The Government of Japan shall deny (i) the landing of foreign sailors who have violated the trade and financial measures against the DPRK, and (ii) the re-entry into Japan of foreign residents in Japan who have committed such violations if such person purports to go to the DPRK.

(3) Measures introduced since 18 June 2009:

- The Government of Japan has banned all exports to the DPRK.